

United States Senate

March 20, 2020

President Donald Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20050

Dear Mr. President:

The United States is facing a public health and economic crisis as a result of COVID-19. Thousands of Americans have fallen ill, and more than two hundred have died.¹ In a previous letter, a number of my colleagues and I urged that you use your full authorities under the Defense Production Act (DPA) to respond to this epidemic with urgency. Under DPA, you have the authority to address fundamental challenges of this pandemic, particularly the medical supply shortage. More specifically, your Administration can set priorities and economic incentives for the expedited production and distribution of materials and services directed to the COVID-19 response. Further, your Administration can use the authority to establish strategic public-private partnerships and employ skilled workers to provide services necessary to respond to this outbreak.² I am hopeful that press reports are accurate, and that assistance in procuring these critical supplies under your DPA authorities is on the way.

In Delaware and across the country, we are seeing extreme shortages of critical supplies needed to respond to the national emergency: specifically, hand sanitizer, nasopharyngeal swabs, facemasks, isolation gowns, ventilators, and more. Confirmed cases of COVID-19 continue to increase dramatically, and these supplies are essential for the safety of our health care workers as they work on the frontlines to test for and treat people with COVID-19. These supply shortages are putting our health care workers and their patients at heightened risk, and if we fail to keep our health care workers and their patients safe, we fail to maintain a functioning health care system. Additionally, a private vaccine developer is conserving and reusing masks as they are researching a COVID-19 vaccine, meaning that even our bio-pharmaceutical workforce is at risk. Even with the authorities put in place under the DPA, shortages are likely to worsen, and this country will continue to see new cases and deaths that could have been prevented.

I ask that you immediately brief Congress on the Administration's strategy to address this shortage, including all authorities that may be exercised or invoked. In addition to exercising its authorities under the DPA, your Administration can and should be taking additional, extraordinary measures to ensure the immediate provision of critical medical supplies to states and localities where they are needed most.

¹ https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fcases-in-us.html

² <https://www.crs.gov/Reports/IN11231?source=FeatureTopic>

First, I urge you to empower officials in your Administration, including the Coronavirus Task Force, to work directly with governors to assess the need for supplies, determine current and projected burn rates, and set ambitious and achievable goals for production of these medical supplies. Governors of states across the country have urged the Federal government to take the lead in addressing shortages, as have former senior officials from both Democratic and Republican Administrations. In a memo to you and Vice President Pence, the National Governors Association shared that among their top concerns is the lack of transparency on what health and medical resources are being prioritized through your DPA authorities.³ This crisis cannot be contained without strong leadership and coordination from the Administration, in consultation with states to identify their specific needs and projected shortages.

Additionally, I urge you to immediately use all authorities available to you to ensure that stockpiles of critical supplies are not sitting unused at Federal agencies and departments while states scramble to address the growing crisis. In Delaware, one hospital alone could screen hundreds of people in one day to help contain the virus' spread, but it has been unable to secure critical testing supplies. I implore you and officials in your Administration to immediately work to identify all potential sources of emergency medical supplies—including the National Strategic Stockpile, DOD stores, and more—and improve coordination to ensure these supplies are being provided to governors in states hardest-hit by the crisis. What's more, your Coronavirus Task Force should direct military health officials in each of the service branches to deploy quickly to provide direct military assistance to states. Our already stretched-thin National Guard lacks the resources to address this crisis; direct military assistance to the states is what is needed now.

Finally, we encourage your Administration to outline specific steps you are taking to work with other countries whose infection rates may have decreased in order to procure critical medical supplies. China has reported no new domestic cases for the second day in a row.⁴ Singapore has managed to keep its COVID-19 cases low through aggressive tracking and isolation of cases, as well as clear messaging to the public about what they can do to protect themselves.⁵ There is an opportunity to learn from the successes of countries who have succeeded in mitigating further spread of COVID-19. You should also explore the possibility of establishing Memoranda of Understanding with private institutions such as colleges, universities, and nursing schools that may be in possession of critical medical supplies.

This crisis is urgent, and it is imperative that your Administration use its extraordinary resources and authorities to ensure that shortages in critical supplies are addressed, and that states have the resources they absolutely need from the Federal government in order to protect the public. I look forward to hearing from you regarding the Trump Administration's comprehensive plan.

Thank you for your attention to this very important matter.

³ <https://www.nelsonmullins.com/storage/WJHMMLWW9NyaJV2Oea3DxKISmJ9qL9H9VctkrInr.pdf>

⁴ https://www.cnn.com/world/live-news/coronavirus-outbreak-03-20-20-intl-hnk/h_09bbb2fdc4c82a2f57da20c250e119e2

⁵ <https://www.latimes.com/world-nation/story/2020-03-11/a-singaporeans-view-of-the-coronavirus-its-surprising-to-see-the-u-s-so-messed-up>

Very sincerely yours,

Thomas R. Carper
United States Senator

CC: The Honorable Mike Pompeo, Secretary
U.S. Department of State

The Honorable Mark Esper, Secretary
U.S. Department of Defense